

STATE OF WISCONSIN

STATE PERSONNEL BOARD

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KATHY KIETZ, et al.,

Appellants,

v.

SECRETARY, Department of Health and Social Services and DEPUTY DIRECTOR, Bureau of Personnel,

Respondents.

Case No. 75-59

* * * * *

OFFICIAL

DECISION FOLLOWING REHEARING

Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

Following reconsideration of this matter the Board reaffirms its adoption of the findings and conclusions contained in the Proposed Opinion and Order, with the addition of the following supplemental conclusions, and substitutes for the order contained in the Proposed Opinion and Order the order set forth below:

SUPPLEMENTAL CONCLUSIONS

The respondents have objected to the decision of this case on the ground that because there was a finding that there was a dramatic and drastic change in the appellants' position this compels the conclusion that to reclassify the appellants as Typists 3 would be to promote them without competition in contravention of s. 16.11(1), Stats. While the Board recognized the cogency of respondents' argument it also recognized the cogency of appellants' objections regarding lack of notice and waiver. However, the parties have reached a stipulation, on file herein, that makes certain provisions regarding the status of the parties and removes any impediments, relative to lack of notice to appellant and waiver by

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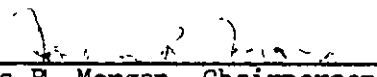
respondents, to the Board giving effect to the arguments relative to s. 16.11(1),
Stats. Therefore, the following order is entered:

ORDER

The action of the Director denying the reclassification is affirmed and
this appeal is dismissed.

Dated: June 16, 1978

STATE PERSONNEL BOARD


James R. Morgan, Chairperson